

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

GERARD CHRISTIAN,)	
)	
Plaintiff,)	
)	CIVIL NO. 2001/0100
v.)	
)	
KMART CORPORATION and)	
BIG KMART)	
)	
Defendants.)	
_____)	

ORDER REQUIRING SUPPLEMENTAL BRIEF

THIS MATTER comes before the Court on Kmart Corporation's ("Kmart") Motion to Dismiss. In its reply memorandum, Kmart contends that this matter was settled and that Plaintiff received a settlement check in full satisfaction of his claims. Kmart has attached what appears to be a copy a fully endorsed check payable to Gerard Christian, dated May 4, 2006.

Considering that Plaintiff has not had the opportunity to respond to Kmart's reply memorandum, the Court will allow Plaintiff the opportunity to respond.

Accordingly, it is hereby

ORDERED that Plaintiff shall be entitled to file a supplemental brief to address Kmart's contention that this matter has been settled.

IT IS FURTHER ORDERED that the supplemental brief shall be submitted within five (5) days of the date of this order.

ENTER:

DATED: August 28, 2007

/s/ Raymond L. Finch
RAYMOND L. FINCH
U.S. DISTRICT COURT JUDGE